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Dkt. #691-C-PCT(CN)-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : JIN, et al.  
U.S. Serial No.: 10/517,122  
Filed : December 2, 2004  
For : HAZARD-FREE MICROENCAPSULATION FOR  
STRUCTURALLY DELICATE AGENTS, AN APPLICATION  
OF STABLE AQUEOUS-AQUEOUS EMULSION

Law Offices of Albert Wai-Kit Chan, LLC  
World Plaza, Suite 604  
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Whitestone, NY 11357

January 24, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**COMMUNICATION IN RESPONSE TO DECEMBER 2, 2005 NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

A Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Notification) was issued on December 2, 2005 by the United States Patent and Trademark Office (USPTO) with regard to the above-identified application. A copy of the Notification is attached hereto as **Exhibit 1**.

The Notification states that the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), "must be submitted within two (2) months from the date of this notice or by 32 months from the priority date for the application, whichever is later," i.e., February 2, 2006. The Notification additionally states that a surcharge of \$65.00 for a small entity must be submitted with the above-mentioned declaration. In response, Applicants hereby submit a copy of the

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declaration of the inventors, executed in accordance with 37 CFR 1.68 and attached hereto as **Exhibit 2**.

Furthermore, Applicants hereby submit an English translation, as well as a Certification of Translation, in connection with the Takeda reference (CN1054009A; 91101017.3) in the supplemental Information Disclosure Statement filed on May 26, 2005. The Certification and translation are attached hereto as **Exhibits 3 and A**, respectively.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No additional fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Albert Wai-Kit Chan 1/24/06  
Albert Wai-Kit Chan Date  
Reg. No. 36,479



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,122	Tuo Jin	691-C-PCT(CN)-US

INTERNATIONAL APPLICATION NO.
PCT/CN03/00431

I.A. FILING DATE	PRIORITY DATE
06/03/2003	06/03/2002

Law Offices of Albert Wai-Kit Chan  
 World Plaza, Suite 604, 141-07 20th Avenue  
 Whitestone, NY 11357

CONFIRMATION NO. 4284

## 371 FORMALITIES LETTER



\*OC000000017542384\*

Date Mailed: 12/02/2005

*12/2/06 - R to Notice (2 mo, w/o fee)  
 6/2/06 - " " " (6 mo, w/ fee), abs dead *paper* *elec**

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/02/2004
- Preliminary Amendments filed on 12/02/2004
- Information Disclosure Statements filed on 12/02/2004
- Oath or Declaration filed on 12/02/2004
- U.S. Basic National Fees filed on 12/02/2004

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The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,122	PCT/CN03/00431	691-C-PCT(CN)-US